

PERSONNEL PRACTICES OF THE
FEDERAL GOVERNMENT

Mr. SPONG. Mr. President, over the years, the Subcommittee on Constitutional Rights of the Committee on the Judiciary and its able chairman, the Senator from North Carolina (Mr. ERVIN), have conducted intensive hearings and investigations into numerous aspects of the personnel practices of the Federal Government. The committee's activities have revealed extensive and often shocking invasions of the rights and privacy of many Federal employees by the Government.

The use of interviews, psychological testing, and lie detectors to pry into the religious beliefs, personal relationships, and sexual attitudes of Government employees has been exposed on the front pages of the Nation's press as a result of the committee's hearings. Also, pressures on Government employees to support political candidates have become well known.

In addition, the Subcommittee on Constitutional Rights has documented the demands made on Federal employees to participate in outside activities unrelated to their work, to make charitable contributions, to buy Government bonds, to disclose personal financial affairs beyond that necessary to satisfy the conflict of interest statutes, and to submit to political indoctrination by their supervisors.

Investigations by the committee have revealed the failure in many cases to allow Federal employees the right to have legal counsel when undergoing interrogations that could jeopardize their employment or lead to disciplinary action.

As a result of the evidence developed by the Committee on the Judiciary proposed legislation was introduced in the last two Congresses which would offer protection to Federal employees in their privacy and the exercise of their constitutional rights. In the 90th Congress this legislation received strong support in the Committee on the Judiciary and the Senate as a whole and was passed by the Senate in September of 1967. It was then referred to the House Post Office and Civil Service Committee, which held hearings on the bill but took no action.

I am pleased to be a cosponsor of legislation which would offer protection to our Federal employees in their dealings with the U.S. Government. It is regrettable that such legislation is necessary, but experience and the evidence show that action must be taken to allow our civil servants the free exercise of their rights and the sanctity of their privacy.

This legislation is substantially the same as that passed by the Senate in the 90th Congress and would prohibit indiscriminate requirements that employees and applicants for Government employment disclose their race, religion, or national origin; attend Government-sponsored meetings and lectures or participate in outside activities or undertakings unrelated to their work; submit to questioning about their religion, personal relationships, or sexual attitudes; make charitable contributions; or polygraphs; support political candidates, or attend political meetings.

It would make it illegal to coerce an employee to buy bonds or make charitable contributions; or to require him to disclose his own personal assets, liabilities, or expenditures, or those of any member of his family, unless, in the case of certain specified employees, such items would tend to show a conflict of interest. It would provide a right to have a counsel or other person present if the employee wishes, at an interview which may lead to disciplinary proceedings.

It would accord the right to a civil action in a Federal court for violation or threatened violation of the act, and it would establish a Board of Employees' Rights to receive and conduct hearings on complaints of violation of the act, and to determine and administer remedies and penalties.

There is no need for Congress to delay in enacting this vital legislation. The Senate has passed a substantially similar bill overwhelmingly, and a House committee has held hearings on the Senate-passed bill.

Failure or delay in acting by either the Senate or the House of Representatives is unnecessary and would be a disservice to the millions of Americans in the employ of the Federal Government.